

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:10CR226
)
v.)
)
MARKELL BREWER,) ORDER
)
Defendant.)
_____)

This matter is before the Court on defendant's motion for appointment of counsel (Filing No. [49](#)). The Court has reviewed the plea agreement (Filing No. [35](#)) which defendant entered into at the time he entered a plea of guilty to Count I of the indictment. Section VII of said plea agreement states:

Except as provided in Section I above, (if this is a conditional guilty plea) the defendant hereby knowingly and expressly waives any and all rights to appeal the defendant's conviction and sentence, including any restitution order in this case, including a waiver of all motions, defenses, and objections which the defendant could assert to the charges or to the Court's entry of Judgment against the defendant, and including review pursuant to 18 U.S.C. § 3742 of any sentence imposed.

Defendant has waived his right to challenge either his conviction or sentence in this matter and a request for reduction of sentence pursuant to 18 U.S.C. § 3582 is not available to him. Accordingly,

IT IS ORDERED that defendant's motion for appointment
of counsel (Filing No. 49) is denied.

DATED this 2nd day of April, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court